



PTO/SB/21 (03-03)

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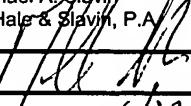
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/769,743	
	Filing Date	01/23/2004	
	First Named Inventor	Robert L. Diaz	
	Art Unit	3732	
	Examiner Name		
Total Number of Pages in This Submission	4	Attorney Docket Number	2385.005

Total Number of Pages in This Submission

### ENCLOSURES (Check all that apply)

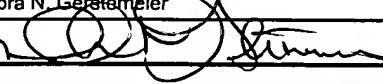
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Copy of one (1) cited document
<input style="width: 100px; height: 10px; border: 1px solid black; margin-bottom: 2px;" type="text"/> Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Michael A. Slavin McHale & Slavin, P.A.
Signature	
Date	10/27/04

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 10/27/04

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NAME OF APPLICANT

: Robert L. Diaz

INVENTION: : DISK ARTHROPLASTY INSTRUMENTATION AND  
IMPLANTS

SERIAL NUMBER : 10/769,743

FILING DATE : January 23, 2004

EXAMINER: :

GROUP ART UNIT : 3732

ATTORNEY DOCKET NO. : 2385.005

CERTIFICATE UNDER 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with  
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
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Alexandria, VA 22313-1450

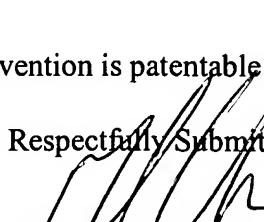
Sir:

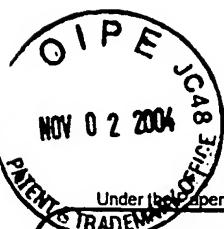
Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Pursuant to the Official Gazette Notice dated August 5, 2003, Applicants are not required to submit copies of the cited U.S. patent references. Copies of the other cited documents are attached. The references were cited in the specification and their relevancy is set forth therein.

Applicants submit that the present invention is patentable over these references.

Date: 10/27/04

Respectfully Submitted,

  
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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

2

## Complete if Known

Application Number	10/769,743
Filing Date	01/23/2004
First Named Inventor	Robert L. Diaz
Art Unit	3732
Examiner Name	

Attorney Docket Number 2385.005

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- Re 36,758	06/27/2000	W. Fitz	
		US- 3,867,728	02/25/1975	J. Stubstad et al.	
		US- 4,309,777	01/12/1982	A. Patil	
		US- 4,349,921	09/21/1982	J. Kuntz	
		US- 4,735,754	04/05/1988	H. Buckner	
		US- 4,759,766	07/26/1988	Buettner-Janz et al.	
		US- 4,759,769	07/26/1988	T. Hedman et al.	
		US- 4,863,477	09/05/1989	G. Monson	
		US- 5,071,437	12/10/1991	A. Steffee	
		US- 5,123,926	06/23/1992	M. Pisharodi	
		US- 5,258,031	11/02/1993	R. Salib et al.	
		US- 5,306,307	04/26/1994	H. Senter et al.	
		US- 5,314,477	05/24/1994	T. Marnay	
		US- 5,314,478	05/24/1994	M. Oka et al.	
		US- 5,376,323	12/27/1994	L. Eaton	
		US- 5,401,269	03/28/1995	Buttner-Janz et al.	
		US- 5,425,773	06/20/1995	L. Boyd et al.	
		US- 5,458,642	10/17/1995	J. Beer et al.	
		US- 5,514,180	05/07/1996	Heggeness et al.	

## FOREIGN PATENT DOCUMENTS

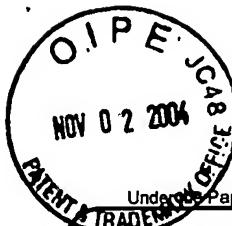
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		WO98/48717	11/05/1998	J. Taylor		

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Attorney Docket Number 2385.005

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,527,312	06/18/1996	R. Ray	
		US- 5,545,229	08/13/1996	J. Parsons et al.	
		US- 5,556,431	09/17/1996	Buttner-Janz	
		US- 5,562,738	10/08/1996	L. Boyd et al.	
		US- 5,676,701	10/14/1997	H. Yuan et al.	
		US- 5,700,288	12/23/1997	L. Eaton	
		US- 5,702,454	12/30/1997	W. Baumgartner	
		US- 5,824,093	10/20/1998	C. Ray et al.	
		US- 5,824,094	10/20/1998	H. Serhan et al.	
		US- 5,855,606	01/05/1999	L. Eaton	
		US- 6,001,130	12/14/1999	V. Bryan et al.	
		US- 6,039,763	03/21/2000	A. Shelokov	
		US- 6,113,637	06/05/2000	S. Gill et al.	
		US- 6,132,464	10/17/2000	J. Martin	
		US- 6,146,419	11/14/2000	L. Eaton	
		US- 6,146,421	11/14/2000	D. Gordon et al.	
		US- 6,283,998	09/04/2001	L. Eaton	
		US- 6,419,703	07/16/2002	T. Fallin et al.	
		US- 6,565,605	05/20/2003	E. Goble et al.	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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